

BILL NO. S-96-11- 30

SPECIAL ORDINANCE NO. S- 

**AN ORDINANCE AMENDING CHAPTER 40 OF THE
CITY OF FORT WAYNE CODE OF ORDINANCES
CONCERNING COLLECTIVE BARGAINING FOR
NON-SAFETY EMPLOYEES.**

WHEREAS, a need exists to amend the City of Fort Wayne Code of Ordinances concerning collective bargaining for non-public safety employees.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 40 of the City of Fort Wayne Code of Ordinances be amended as follows:

A. Amend Section 40.02(A) as follows:

Insert "Full-time" before "city employees" in the first sentence of said section.

B. Add a new SECTION 40.02©: If a new position is created in either the Civil City or City Utilities, the Common Council shall determine, upon request of the Mayor or the bargaining unit, if any, to which the new position shall be assigned. A change in job title without a substantial change in the duties and responsibilities of a position shall not be considered the creation of a new position.

C. AMEND: SECTION 40.03 to read as follows:

The City currently recognizes the following labor organizations as bargaining agents for non-safety employees of the Civil City and City Utilities:

1. National Conference of Firemen and Oilers (NCFO);

1 2. International Association of Machinists and Aerospace Workers,
2 Lodge #2569 (IAM);

3 3. International Brotherhood of Electrical Workers (IBEW);

4 4. Office and Professional Employees International Union, Local
5 #325 (OPEIU);

6 5. International Union of Operating Engineers (IUOE);

7 6. Chauffeurs, Teamsters and Helpers, Local Union #414 (CTH).

8 The continued recognition of said labor organizations as bargaining
9 agents for employees of the Civil City and City Utilities is subject to
10 the provisions of this Chapter.

11 D. **Amend SECTION 40.04 to read as follows:** Non-Safety labor

12 agreements reached prior to the effective date of any amendments of
13 this Chapter shall not be effected by any such amendments. Non-
14 Safety labor agreements reached subsequent to the effective date of
15 any amendments of this Chapter shall be subject to any such
16 amendments.

17 E. **Amend SECTION 40.07 to read as follows:** No employee shall be

18 required to join a labor organization or pay a representation fee to a
19 labor organization to maintain his job with the Civil City or City Utilities.
20 If a collective bargaining agreement provides for dues or
21 representation fees checkoff, an employee's dues or representation
22 fee may be checked off only upon the employee's written request and
23 the employee may terminate such checkoff at any time by giving thirty
(30) days' written notice.

24 F. **Amend SECTION 40.08(A) to read as follows:** **SCOPE OF**

25 **NEGOTIATIONS.** The City, as well as City Utilities, shall meet at
26 reasonable times, including meeting in advance of the City's and City
27 Utilities' budget-making process, to negotiate in good faith with
28
29
30

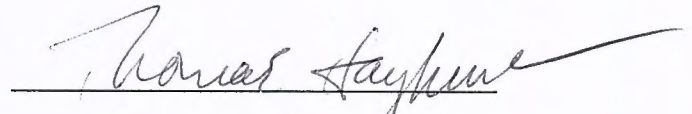
1 respect to wages, hours, vacations, insurance, holidays, leaves of
2 absences, shift differentials, overtime compensation, supplemental
3 pay and other matters mutually agreed upon. However, the following
4 subjects shall be excluded from the scope of negotiations:
5 management's authority to discipline or discharge for cause provided
6 a pre-deprivation hearing is offered if the proposed disciplinary action
7 involves a loss of more than forty (40) hours pay; management's
8 authority to promote or fill job vacancies; management's authority to
9 contract out work or to perform bargaining unit work; and all
10 retirement plans operated by PERF, other than whether the employer
11 shall make the payment of the employee's share of the annual
12 pension contribution. Negotiations shall also include terms
13 authorizing dues or representation fees automatic deductions and
14 grievance procedures for resolving any questions arising under the
15 agreement, which shall be embodied in a written agreement and
16 signed by the parties. Employee disciplines or discharges shall not be
17 the subject of any formal grievances and arbitration process;
18 however, an employee shall have the right to be represented by his
19 bargaining agent at any pre-deprivation hearing. The obligation to
20 negotiate in good faith does not compel either party to agree to a
21 proposal or make a concession.

22 G. **Amend SECTION 40.08(B) to read as follows:** The negotiation of a
23 proposed collective bargaining agreement shall be complete no later
24 than the date the Civil City or City Utilities budget is submitted to the
25 Common Council for the year or years for which the agreement is to
26 be effective. Therefore, negotiations shall commence at least 180
27 days prior to said budget submission date. Within the first thirty (30)
28 days of said bargaining period, the parties shall conduct at least three
29 mandatory collective bargaining sessions totalling not less than six (6)
30 hours. By the end of said thirty (30) day period, the parties shall have

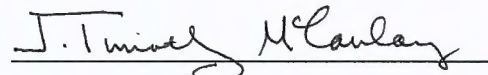
exchanged written proposals on all mandatory subjects of negotiation. If no agreement can be reached after said thirty (30) day period, the parties shall jointly request the services of a mediator through the Federal Mediation and Conciliation Service. If no agreement has been reached by sixty (60) days prior to the budget submission date, the parties shall submit, in writing, their final position on the mandatory subjects of negotiation to the Common Council. If no agreement is reached by the budget submission date, impasse shall be declared. Upon declaration of impasse, the Civil City or City Utilities shall have no duty to withhold automatically dues or representation fees deductions upon the expiration of any effected collective bargaining agreement and shall have no duty to arbitrate grievances that arise after the expiration of the collective bargaining agreement. Upon declaration of impasse, the Civil City or City Utilities shall propose in the budget as a wage increase for effected bargaining unit members, the greater of the wage increase contained in management's final offer or the average wage increase for non-union employees in the same department. In addition, such employees shall have all the rights to holidays, vacation, sick leave and other benefits set forth in the City's Personnel and Procedure Manual.

1
2 H. Repeal SECTION 40.09.

3 **SECTION 2.** That this Ordinance shall be in full force and effect from and
4 after its passage and any and all necessary approval by the Mayor.

5
6 
7 Council Member

8
9 APPROVED AS TO FORM AND LEGALITY

10
11 
12 J. Timothy McCaulay

Read the first time in full and on motion by Ray Hurst
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, 19____, the _____ day of _____

M., E.S.T. _____, at _____ o'clock

DATED: 11-12-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ray Hurst
and duly adopted, placed on its passage. ~~PASSED~~ LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES		<u>9</u>		
BENDER		<u>✓</u>		
CRAWFORD		<u>✓</u>		
EDMONDS		<u>✓</u>		
HALL		<u>✓</u>		
HAYHURST		<u>✓</u>		
HENRY		<u>✓</u>		
LUNSEY		<u>✓</u>		
RAVINE		<u>✓</u>		
SCHMIDT		<u>✓</u>		

DATED: 11-26-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____ M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. S-96-11-30

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) AMENDING CHAPTER 40 OF THE
CITY OF FORT WAYNE CODE OF ORDINANCES CONCERNING COLLECTIVE BARGAINING
FOR NON-SAFETY EMPLOYEES

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Signature]

Martin A. Bender

John W. Crawford

Thomas E. Hayhurst

Clifford R. Edmonds

Rebecca Ravine

John J. Henry
Diane J. Henry

DATED: *11-26-96*

Sandra E. Kennedy
City Clerk